



STATE OF
COLORADO

Eschberger - DNR, Amy <amy.eschberger@state.co.us>

Fwd: Midwestern Farms gravel pit

Mel DePra <mfdepra@gmail.com>

Tue, Dec 3, 2019 at 6:57 PM

To: "amy.eschberger@state.co.us" <amy.eschberger@state.co.us>

Amy, Please use the attached copy of Permit 82871-F issued by the SEO as proof of compliance to expand pit to 102 acres . Note the approval date of 1-14-2019. Thanks, Mel !!!
Is this acceptable ???

----- Forwarded message -----

From: **Tom Williamsen** <twilliamsen@helton-williamsen.com>

Date: Mon, Nov 11, 2019 at 2:40 PM

Subject: Midwestern Farms gravel pit

To: Mel DePra <mfdepra@gmail.com>

Cc: Kelly Spitzer <kelly@tempelgrain.com>, Don Higbee <lawma2@cminet.net>

[Quoted text hidden]



Permit 82871-F Midwestern Farms.pdf
1001K



COLORADO
Division of Water Resources
Department of Natural Resources

WELL PERMIT NUMBER 82871-F
RECEIPT NUMBER 3668653

ORIGINAL PERMIT APPLICANT(S)

MIDWESTERN FARMS

APPROVED WELL LOCATION

Water Division: 2 Water District: 67
Designated Basin: N/A
Management District: N/A
County: PROWERS
Parcel Name: N/A
Physical Address: N/A

NW 1/4 SW 1/4 Section 18 Township 23.0 S Range 42.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone:13, NAD83)

Easting: 746598.6 Northing: 4214848.0

PERMIT TO EXPOSE WATER IN A EXISTING PIT

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-90-137(2), for a change of use of an existing well (gravel pit pond) previously permitted under permit no. 53050-F, on the condition that this well is operated in accordance with the Lower Arkansas Water Management Association (LAWMA) Augmentation Plan approved by the Division 2 Water Court in case no. 02CW181. If this well is not operated in accordance with the terms of said decree, it will be subject to administration including orders to cease diverting water. This well is known as the Midwestern Farms Pit, DRMS No. M-1993-059.
- 4) The issuance of this permit hereby cancels permit no. 53050-F.
- 5) This well is subject to administration by the Division Engineer in accordance with applicable decrees, statutes, rules, and regulations.
- 6) When operating under the 02CW181 LAWMA plan, an annual accounting method for the augmentation plan, as identified in Section 47, Part E, of the decree, shall be utilized, with the annual amount of ground water to be appropriated for evaporation not to exceed 510 acre-feet and the total surface area of the gravel pit pond limited to 102 acres.
- 7) The use of ground water under this permit is for pond evaporation. No other use of water is allowed unless a permit therefor is approved.
- 8) The owner shall mark the well (gravel pit pond) in a conspicuous location with well permit number(s) and court case number(s) as appropriate. The owner shall take necessary means and precautions to preserve these markings.
- 9) Pursuant to Rule 9.3.3 of the Water Well Construction Rules, ground water ponds and gravel pit wells are exempt from the minimum well construction and location standards except for contamination considerations as stated in the Rule. The owner shall take necessary means and precautions to prevent contaminants from entering the ground water pond or gravel pit well.
- 10) The boundaries of the gravel pit pond shall be more than 600 feet from any existing well, completed in the same aquifer, that is not owned by the applicant.

NOTE: Permit no. 54630-F was issued for this same structure.

NOTE: The well structure WDID# is 6706369.

NOTICE: This permit has been approved for the annual amount of ground water to be appropriated for evaporation not to exceed 510 acre-feet, with the total surface area of the gravel pit pond limited to 102 acres, modifying Items 5 and 9 on the well permit application form. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

WELL PERMIT NUMBER 82871-F

RECEIPT NUMBER 3668653



Issued By JOHN GABERT

Date Issued: 1/14/2019

Expiration Date: N/A

ORDER OF THE STATE ENGINEER

IN THE MATTER OF WELL PERMIT NO. 53050-F

RECEIPT NO. 444152

LOCATION: NW ¼, SW ¼, SECTION 18, TOWNSHIP 23 SOUTH, RANGE 42 WEST, 6TH P.M.

APPLICANT: MIDWESTERN FARMS

THE STATE ENGINEER FINDS:

The well permit was issued on December 21, 1999.

On March 4, 2015, the applicant submitted evidence that the well (gravel pit pond) would be expanded. The evidence is as follows: Application for a permit to use an existing well (gravel pit pond). Receipt no. 3668653.

The well permit is hereby cancelled and is of no further force or effect.

Dated this 14~~th~~ day of January, 20 19.

By: 

John Gabert

Physical Science Researcher/Scientist

Prepared by: JG

cc: Applicant